



JC11113-2.JVD.2106

WENMM/SB/30 (06/01)

Approved for sue through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 335 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995. See The American Inventors  
Protection Act of 1999 (AIPA).

Application Number	09/822,606
Filing Date	April 2, 2001
First Named Inventor	Paul Gaschke
Group Art Unit	3761
Examiner Name	Joseph Weiss, Jr.
Attorney Docket Number	11113-2

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

*Note:* 37 CFR § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 CFR § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (August 16, 2000); Interim Rule, 65 Fed. Reg. 15865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (April 11, 2000), which established RCE practice.

**1. Submission required under 37 CFR § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR § 1.116 previously filed on \_\_\_\_\_
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

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**2. Miscellaneous**

- a. ☒ Suspension of action on the above-identified application is requested under 37 CFR § 1.103(c) for a period of 3 months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR § 1.17(i) required.)
- b. Other \_\_\_\_\_

**3. Fees**

The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 23-3030.
- i. ☒ RCE fee required under 37 CFR § 1.17(e) - \$375
- ii. ☒ Extension of time fee (37 CFR §§ 1.136 and 1.17) - \$55 (1 month)
- iii. ☒ Other Suspension fee under 1.17(l) - \$130
- b. ☒ Check in the amount of \$ 560 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	John V. Daniluck	Registration No. (Attorney/Agent)	40,581
Signature		Date	March 11, 2003

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 to: Commissioner for Patents, Box RCE, Washington, DC 20231.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Paul Gaschke

Serial No. 09/822,606

April 2, 2001

COLDWEATHER BREATHING  
APPARATUSBefore the Examiner  
Joseph Weiss, Jr.

Group Art Unit 3761

March 11, 2003

REQUEST FOR CONTINUED EXAMINATION  
IN ACCORDANCE WITH 37 C.F.R. 1.114Commissioner for Patents  
BOX RCE  
Washington, DC 20231

TECHNOLOGY CENTER R3700

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Sir:

Please consider the following remarks in regards to a Request for Continued Examination for the above-referenced application.

In accordance with 37 C.F.R. § 1.114 (a), provided herewith is a check for \$560 to cover the fee for filing the RCE (\$375) as set forth in § 1.17(e), the fee for a one month extension of time (\$55), and also for the fee required under § 1.17(i) for the suspension of action of three months. No additional fees are believed due. However, if any additional fees are due, the Commissioner is authorized to provide any necessary extensions of time and charge any fees which may be due to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Express Mail Label No. EV23297459US Date Mailed March 11, 2003

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